

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LARRY S. NEAL,

Petitioner,
-vs-

ORDER
No. 03-CV-0431(RJA)(VEB)

MICHAEL GIAMBRUNO,

Respondent.

Petitioner Larry S. Neal (“Neal”) has filed this *pro se* action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 14, 2007, an Order was entered by Chief District Judge Richard J. Arcara referring this matter to the undersigned to hear and report on all dispositive motions and to hear and decide all non-dispositive motions pursuant to 28 U.S.C. § 636(b). On November 13, 2007, the copy of the Order sent to Neal at the address which he most recently had supplied to the Court was returned as undeliverable and unable to be forwarded. *See* Docket Entry dated November 13, 2007.

Local Rule of Civil Procedure 5.2(d) requires that a party proceeding *pro se* “must furnish the Court with a current address at which papers may be served on the litigant. . . . In addition, the Court must have a current address at all times. Thus a *pro se* litigant must notify the Court immediately in writing of any change of address. Failure to do so may result in dismissal of the case with prejudice.” Local Rule of Civil Procedure 5.2(d). As a *pro se* litigant, Neal was advised about the requirements of Local Rule 5.2(d) when he instituted this action. Based on the return of the reassignment order as undeliverable, it appears that Neal has failed to keep the Court informed as to his current address at which papers may be served and has failed

to comply with Local Rule 5.2(d).

Accordingly, Neal is ordered to provide the Court with an address where papers may be served no later than thirty (30) days from the date of entry of this Order. Should Neal fail to comply with this directive, the Court will recommend that Neal's petition be dismissed with prejudice forthwith due to his failure to comply with Local Rule of Civil Procedure 5.2(d).

IT IS SO ORDERED.

/s/ *Victor E. Bianchini*

VICTOR E. BIANCHINI
United States Magistrate Judge

DATED: December 26, 2007
Buffalo, New York.